Table of Contents
IAB# FO 2385635 / SH 2344276

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 013-20963-1337-013		Date: 10/27/13	Time: 0127 Hours
Location: 16409 Woodruff Avenue		City or Station: Bellflower	
Bureau/Station/Facility: Lakewood Station		Admin. Investigation: ◯ YES ◉ NO	
Type of Force: Taser			
Incident Category: ◯ 1 ◯ 2 ◯ 3	Deputy Injury: ◉ YES ◯ NO	Suspect Injury: ◉ YES ◯ NO	
☒ Call ☐ Observation ☐ Detail		☐ Foot Pursuit	☐ Vehicle Pursuit
IAB Notified: ◉ YES ◯ NO	Person Notified: Lt. Berg	Emp: [redacted]	IAB Roll Out: ◉ YES ◯ NO

Involved Employee

E 1

[redacted]	Last Name: Vargas	First Name: Monica	Middle I.: NMN	Rank: Deputy	
Sex: ◯ M ◉ F	Race: H	Height: 508	Weight: 160	Age: [redacted]	Shift: ◉ EM ◯ Day ◯ PM; ◉ Regular Shift ◯ OT Shift ◯ Off Duty
Unit of Assignment: Lakewood Station		Work Assignment (Unit #, Module, etc.): 133B			
Individual Force Used: Taser, Flashlight		◯ Directed ◯ Rescue ◯ Medical Assist		Individual Category: ◯ 1 ◉ 2 ◯ 3	
☒ Injured ☐ Treated ☐ Admitted	Facility:			Coroner Case #:	

E 2

[redacted]	Last Name: Rice	First Name: Myesha	Middle I.: N.	Rank: Deputy	
Sex: ◯ M ◉ F	Race: B	Height: 502	Weight: 160	Age: [redacted]	Shift: ◉ EM ◯ Day ◯ PM; ◉ Regular Shift ◯ OT Shift ◯ Off Duty
Unit of Assignment: Lakewood Station		Work Assignment (Unit #, Module, etc.): 132A			
Individual Force Used: Baton		◯ Directed ◯ Rescue ◯ Medical Assist		Individual Category: ◯ 1 ◉ 2 ◯ 3	
☒ Injured ☐ Treated ☐ Admitted	Facility:			Coroner Case #:	

E __

Employee #:	Last Name:	First Name:	Middle I.:	Rank:	
Sex: ◯ M ◯ F	Race:	Height:	Weight:	Age:	Shift: ◯ EM ◯ Day ◯ PM; ◯ Regular Shift ◯ OT Shift ◯ Off Duty
Unit of Assignment:		Work Assignment (Unit #, Module, etc.):			
Individual Force Used:		◯ Directed ◯ Rescue ◯ Medical Assist		Individual Category: ◯ 1 ◯ 2 ◯ 3	
☐ Injured ☐ Treated ☐ Admitted	Facility:			Coroner Case #:	

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Verzola	Matthew	A.	Sgt.	YES ◯ NO ◉	YES ◯ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Lopez (By K. Adler)	Mark	A.	Sgt.	YES ◯ NO ◉	YES ◯ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Adler	Kelly	L.	Lt.

Watch Commander / Supervising Lieutenant's **Signature**: ________ Date ________ Copy Provided to Employee by: ________ Emp #: ________

Unit Commander **(Print Name)** ________ Unit Commander's **Signature**: ________ Emp #: ________ Date ________

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

013 - 20963 - 1337 - 013

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Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Harvey	William		Not Armed

AKA Last Name | First Name | Middle Name

Sex:	Race:	Age:	Height:	Weight	D.O.B:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
(●) Male ○ Female	B	57	601	165	3/16/56		

Street Address:	City:	State & Zip Code:
16409 Woodruff Avenue	Bellflower	CA 90706

Booking #: Primary Charge Code: Secondary Charge Code: [redacted] Criminal History

Treated on Scene? (●) YES ○ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: 13-27436 Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: Marijuana 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force

0 1 3 - 2 0 9 6 3 - 1 3 3 7 - 0 1 3

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
		(See Shooting Form)				



Supervisor's Report on Use of Force
SUSPECT INFORMATION

0 1 3 - 2 0 9 6 3 - 1 3 3 7 - 0 1 3

Suspect Information

S 1

Last Name: Harvey	First Name: William	Middle Name:	Armed? Select: Not Armed
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	Weight	D.O.B.	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
(●) Male ○ Female	B	57	601	165	3/16/56		

Street Address: 16409 Woodruff Avenue | City: Bellflower | State & Zip Code: CA 90706

Booking #: | Primary Charge Code: | Secondary Charge Code: | [redacted] Criminal History

Treated on Scene? (●) YES ○ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: 13-27436 Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: Marijuana | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:	Armed? Select:
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:	Armed? Select:
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 10/27/13	Bureau/Station/Facility: Lakewood Patrol Station	Admin. Invest.? [ ]	Hit? [✓]

Incident Information

URN: 013-20963-1337-013		Date: 10/27/13	Time: 0127
City or Station: Bellflower		Nature of Incident: Dep. Vargas and Dep. Rice responded to an assault call. The suspect assaulted them both and the two employees fired their guns at him.	
Location: 16409 Woodruff Ave. Bellflower, 90706			

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [✓] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [✓] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other: Care Home

Lighting (*check only one*):
- [✓] Darkness
- [ ] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [✓] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance:

Incident Type (*check one or more*):
- [ ] Accidental
- [ ] Armed Person
- [ ] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [✓] Struggle Involved
- [ ] Traffic Stop
- [✓] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [✓] Call
- [ ] Observation
- [✓] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [✓] Routine Patrol

Aero Unit? [ ] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
6	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name	Street Address	City	First Name	Zip Code	Work Ph	M.I.	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		
Aldana	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Verzola	Matthew	A	[✓] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	Reveles	Jose	I

Watch Commander

Employee #	Last Name	First Name	M.I.
	Auner	David	D

PSTD Use Only
SH # 2344276

Officer Involved Shooting

JRN: 013-20963-1337-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/27/13	0405	8/03/13	

Employee #	Last Name	First Name	M.I.
[redacted]	Berg	Michael	R.
[redacted]	Garcia	Jose	J.
[redacted]	Lopez	Mark	

Shooting / Force Information

Method

(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RO)	Rossi
(BN)	Benelli	(JE)	Jennings	(SW)	Smith & Wesson
(BR)	Beretta	(LO)	Lorcin	(SR)	Sturm Ruger
(BW)	Browning	(LU)	Luger	(SS)	SIG Sauer
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand
		(RI)	RGI		

Caliber

(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
20)	20 guage	(35)	.357 caliber	(50)	50 mm
21)	.22-250	(36)	30-60 caliber	(SL)	Slug
22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S #1	E #1	RS, UN					NN	
E #1	S #1	TR			Y	Y	PW	NK,CH
S #1	E #1 & #2	PK, PH					SD	HD
E #1	S #1	FL					NN	AR
E #2	S #1	BI			Y		SD	LE
E #1	S #1	FH	BR	9	Y	Y	DH	CH
E #2	S #1	FH	BR	9	Y	Y	DH	LE

Officer Involved Shooting
Involved Employee Information

URN: 013-20963-1337-013

Involved Employee

E 1

Employee #: [redacted]	Last Name: Vargas	First Name: Monica	M.I.: nmn
Sex: F Race: Hispan	Rank: Deputy	Unit Assignment: Lakewood Patrol	Work Assignment (Unit #, Module, etc.): 133B
ShiftTime (*circle only one*): ☑ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 4-5	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 508	Weight: 160		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapo[redacted] Used?	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: BERETTA	Caliber: 9MM # Shots: 4	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp #	Last Name: [redacted]	First Name: [redacted]	M.I.

E 2

Employee #: [redacted]	Last Name: Rice	First Name: Myesha	M.I.: N.
Sex: F Race: Blk	Rank: Deputy	Unit Assignment: Lakewood Patrol	Work Assignment (Unit #, Module, etc.): 132A
ShiftTime (*circle only one*): ☑ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 6-7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 502	Weight: 160		
Range Qualification Date: [redacted]		PPC Qualification Date:	Laser Training Date:
Certified with Weapo[redacted] Used?	Patrol Certification[redacted]	Certification Unit: Prior Shootings[redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: BERETTA	Caliber: 9MM # Shots: 2	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp #	Last Name: [redacted]	First Name: [redacted]	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 013-20963-1337-013

Suspect Information

SS				
Last Name: Harvey		First Name: William		M.I.
AKA Last Name		First Name		M.I.
Sex: M Race: Black	Street Address: 16409 Woodruff Ave	City [redacted]		State & Zip Code: [redacted] [redacted]
Work Phone:	Home Phone:	Social Securit[redacted]	Driver's License #: [redacted]	
Age: 57 D.O.B. 03/16/56	Height: 601 Weight: 165	FBI # [redacted]	CII # [redacted]	
Booking #	Primary Charge:	Secondary Charge:		
Coroner Case? ☑	Coroner Case # 2013-07436	Intoxication/Drug Usage? ☑	Substance Used: Marijuana	
Armed? ☐	Apprehended? ☑	Mental Illness? [redacted]	Criminal History? [redacted]	
Vehicle Make		Model:	Year:	

S				
Last Name		First Name		M.I.
AKA Last Name		First Name		M.I.
Sex: Race:	Street Address:	City		State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.	Height: Weight:	FBI #	CII #	
Booking #	Primary Charge:	Secondary Charge:		
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make		Model:	Year:	

S				
Last Name		First Name		M.I.
AKA Last Name		First Name		M.I.
Sex: Race:	Street Address:	City		State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.	Height: Weight:	FBI #	CII #	
Booking #	Primary Charge:	Secondary Charge:		
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make		Model:	Year:	

S				
Last Name		First Name		M.I.
AKA Last Name		First Name		M.I.
Sex: Race:	Street Address:	City		State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.	Height: Weight:	FBI #	CII #	
Booking #	Primary Charge:	Secondary Charge:		
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make		Model:	Year:	

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	
[redacted]	Rita		[redacted]	[redacted]	[redacted]	

INTERNAL AFFAIRS BUREAU INVESTIGATIVE SUMMARY IAB# FO2385635 / SH2344276

USE OF FORCE – TASER, FLASHLIGHT, BATON DEPUTY INVOLVED HIT SHOOTING (SUSPECT DECEASED)

File # 013-20963-1337-013

DATE: October 27, 2013, Sunday

TIME: 0127 hours

LOCATION: 16409 Woodruff Avenue, Bellflower CA. 90706

SUSPECT: William Harvey, MB/55, 3/16/58

DEPUTIES INVOLVED: Monica Vargas #[redacted], Myesha Rice [redacted]

On October 27, 2013, Internal Affairs Bureau Lieutenant Michael Berg and Sergeants Mark Lopez and Jose J. Garcia responded to a Command Post at 10025 Flower Street, Bellflower, regarding a deputy-involved hit shooting.

> __IAB Note__: Lieutenant Berg checked to see that the watch commander, Lieutenant Dave Auner, took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Berg checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they provided a statement to the assigned investigators.

When the team arrived at the command post, there was an active containment of the area. Investigators learned the series of events which occurred, culminated into a deputy involved hit shooting, involving Deputies Monica Vargas and Myesha Rice. The personnel involved in the incident were uniformed patrol deputies working one-person units.

The criminal investigation is being handled by Homicide Bureau Investigators Tim O'Quinn

and Steve Lankford. Their investigation is documented in a paginated Homicide Bureau investigative book, which is presented as ***Exhibit A***.

SYNOPSIS:

On October 27, 2013, at approximately 0116 hours, Lakewood Sheriff's Station received a business disturbance call for service. The informant [redacted] was the sole caregiver on duty at Woodruff Care Home. Mr. [redacted] stated he was locked out of the Care Home by a patient, William Harvey. Suspect Harvey was acting hostile and stated he wanted to hurt someone. Suspect Harvey was inside with other patients and the informant was outside.

The call was dispatched to Unit #133B (Deputy Vargas), Unit #132A (Deputy Rice) added herself to the call to assist Deputy Vargas. Upon their arrival Mr. [redacted] met them out in front of Woodruff Care Home.

IAB Note: For a copy of the call Tag #35, refer to ***Exhibit A, page 70***.

Mr. [redacted] explained Suspect Harvey was very upset, hostile and aggressive and chased him out of the [redacted] Home with a lanyard of keys and locked him out. Deputies asked Mr. [redacted] if Suspect Harvey had assaulted anyone. Mr. [redacted] explained to the deputies, no one had been assaulted but he wanted Suspect Harvey removed from the facility.

According to Mr. [redacted] Suspect Harvey did not have any weapons. Deputies decided to proceed to the front door to make sure the doors were locked. The front doors were locked, however, they discovered an open sliding door approximately ten feet north of the front doors. Mr. [redacted] told the deputies the sliding door led to Suspect Harvey's room.

The deputies remained outside and looked into the room. Suspect Harvey was not in his room. Within seconds Suspect Harvey exited the front doors. Deputy Vargas called to Suspect Harvey and advised him they wanted to speak with him. Suspect Harvey began to jump around as if he was shadow boxing. Suspect Harvey did not obey commands to calm down and keep his distance.

Deputies Vargas and Rice immediately felt threatened by Suspect Harvey's aggressive behavior and size and advised him he would be tased if he did not comply with their commands. Suspect Harvey did not comply and was tased by Deputy Vargas. Suspect Harvey dropped to the ground and landed on his stomach. Deputy Rice initiated a radio broadcast requesting a sergeant to their location. Deputy Rice believed the Taser was effective and she approached Suspect Harvey to handcuff him.

Suspect Harvey turned over and kicked at both deputies. Deputy Vargas attempted to tase Suspect Harvey again, but the Taser had no effect. Deputy Vargas realized that one of the Taser darts dislodged from Suspect Harvey and was under her boot. Deputy Vargas

realized the Taser was no longer effective.

Suspect Harvey got to his feet and assaulted both deputies with kicks and punches. Deputy Vargas used her Pelican flashlight and Deputy Rice used her ASP Baton to fight off Suspect Harvey's attack.

At one point Suspect Harvey punched Deputy Vargas in the back of the head which caused her to fall to her knees and almost lose consciousness. Suspect Harvey then turned his attention back to Deputy Rice who was still dazed from the prior assault.

Deputy Vargas saw Suspect Harvey with his hand on Deputy Rice's duty pistol and feared if Suspect Harvey removed her pistol, Suspect Harvey would kill them both. Deputy Vargas fired four rounds from her duty pistol at Suspect Harvey which had little to no effect on his attack of Deputy Rice.

Deputy Rice could feel Suspect Harvey go for her duty pistol and was in fear for her life and the life of her partner. Deputy Rice removed her duty pistol and fired two rounds at Suspect Harvey's chest area. The last shots fired were effective and Suspect Harvey fell to the ground. Deputy Vargas immediately broadcasted that she had been in a Deputy Involved Shooting.

Suspect Harvey was treated by Los Angeles County Fire Squad #23, commanded by Captain Karp. Suspect Harvey was pronounced at the scene via telephone by Saint Francis Medical Center Doctor Shepard at 0147 hours.

> **IAB Note:** Autopsy report indicated Suspect Harvey sustained two fatal gunshot wounds to his chest area, and one non-fatal gunshot wound to his left thigh. For further, refer to the Autopsy Report and associated paperwork listed in ***Exhibit A*, *pages 76 through 97***.

Lakewood Sheriff's Station deputies canvassed the area for possible witnesses and documented the witnesses located in their supplemental reports. Refer to ***Exhibit A, pages 14-27***.

> **IAB Note:** Homicide Investigators observed a shattered driver's side window and front passenger side window of a 2003 Ford Windstar, Van, license plate [redacted] The vehicle was parked across the street from the Woodruff Care facility. Investigators believe this damage was most probably caused by a bullet(s) fired from the duty weapon of either Deputy Vargas or Deputy Rice.

At Lakewood Sheriff's Station, Homicide Bureau Investigators Tim O'Quinn and Steve Lankford retrieved Deputies Vargas and Rice's duty weapons from their holsters. The magazines were removed and the live rounds were counted. The weapons and live ammunition were submitted to Scientific Services Bureau's Firearms Section under Lab

Receipts #K489230 and #K489231. For further, refer to The Firearms Examiner Reports under ***Exhibit A***, ***pages 61 through 63***.

The incident was documented in Homicide Bureau's case book and Supplemental Reports, ***Exhibit A***, Crime scene photos along with Homicide interviews were copied on a DVD refer to ***Exhibit B***, Crime scene sketches produced by the crime lab refer to ***Exhibit D***.

DISTRICT ATTORNEY'S LETTER OF OPINION:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of William Harvey by Deputies Monica Vargas and Myesha Rice. In their letter of opinion ***Exhibit E***, dated October 8, 2014, Deputy District Attorney Gretchen Ford concluded Deputies Monica Vargas and Myesha Rice acted lawfully in self-defense.

INVOLVED PERSONNEL:

VARGAS, Monica [redacted]
South Patrol Division
Worked Unit 133B/EM, Lakewood Station

WORK HISTORY:
Date of Employment: **April 25, 2007**
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

RICE, Myesha [redacted]
South Patrol Division
Worked Unit 132A/EM, Lakewood Station

WORK HISTORY:
Date of Employment: **August 21, 2006**
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

SUSPECT INFORMATION:

HARVEY, William MB/55, 3-16-56, 601/165,
Suspect Harvey's criminal records are maintained under CII #[redacted], MAIN #[redacted] and FBI #[redacted]. A check of his state criminal history record and the Consolidated

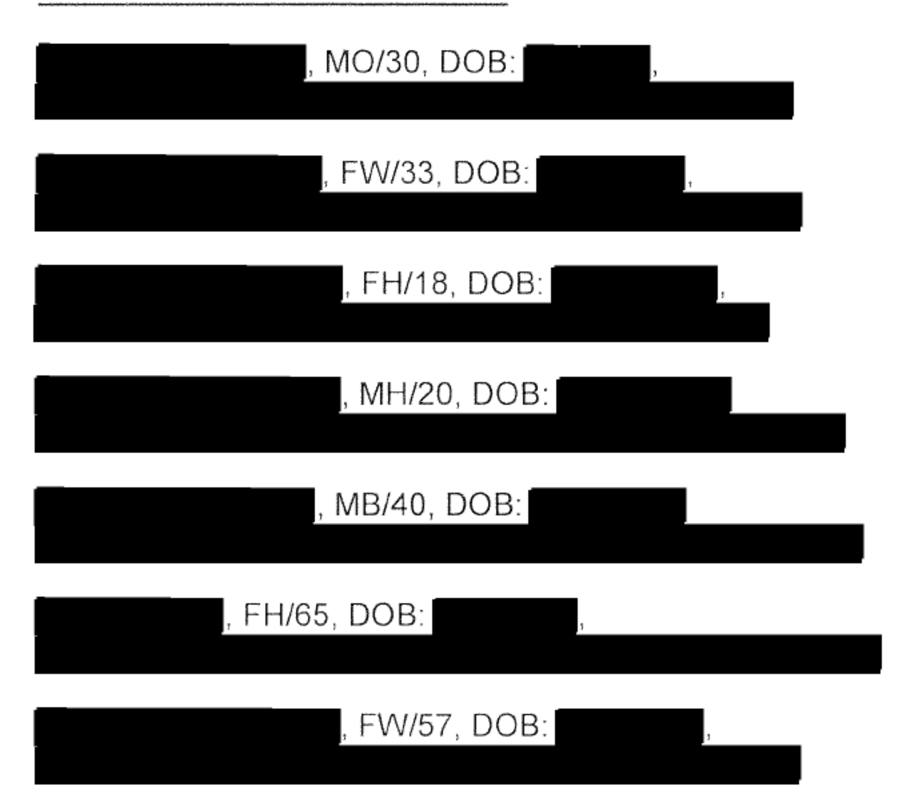
Criminal History Reporting System (CCHRS) revealed that Suspect Harvey [redacted]

Refer to the state criminal history and CCHRS printouts (***Exhibit A***, ***pages 73 through 75***).

EMPLOYEE WITNESSES:

None

NON-EMPLOYEE WITNESSES:



[redacted], MO/30, DOB: [redacted], [redacted]

[redacted], FW/33, DOB: [redacted], [redacted]

[redacted], FH/18, DOB: [redacted], [redacted]

[redacted], MH/20, DOB: [redacted]

[redacted], MB/40, DOB: [redacted]

[redacted], FH/65, DOB: [redacted], [redacted]

[redacted], FW/57, DOB: [redacted], [redacted]

INJURIES:

Deputy Monica Vargas sustained contusions to the left side of her head and neck. Additionally, she sustained a bruise to the left side of her chin and complained of pain to her back.

Deputy Myesha Rice sustained back/pain injury and bruises to her legs.

Suspect Harvey sustained two fatal gunshot wounds to his chest area, and one non-fatal gunshot wound to his left thigh. For further, refer to the Autopsy Report and associated paperwork listed in ***Exhibit A***, ***pages 76 through 97***.

Refer to ***Exhibit B,*** for one (DVD) which contain photographs of the scene, photographs of the autopsy, and photographs of Deputies Monica Vargas and Myesha Rice, as well as audio interviews of employee and non-employee witness interviews.

PHYSICAL EVIDENCE:

All physical evidence was collected and documented by Scientific Services Bureau personnel. For more information, see ***Exhibit A, pages 55 thru 65.***

INVESTIGATORS' OBSERVATIONS:

At the time of the IAB investigator's arrival, the crime scene had been preserved.

This incident occurred at 16409 Woodruff Avenue, Bellflower which is a north/south residential street. Deputy Vargas and Deputy Rice fired a total of six rounds striking Suspect Harvey three times. Suspect Harvey fell to the ground in the front yard of 16409 Woodruff Avenue. For further details, refer to crime scene sketches and pictures in ***Exhibits B and C.***

WEAPONS USED BY DEPUTY PERSONNEL:

Vargas, Monica
Service Weapon Type: Beretta 9mm, 92FS, serial #[redacted]
Rounds Fired: Four
Date Employee Last Qualified: [redacted]
Combat handgun CPT: [redacted]

Rice, Myesha
Service Weapon Type: Beretta 9mm, M9, serial #[redacted]
Rounds Fired: Two
Date Employee Last Qualified: [redacted]
Combat handgun CPT: [redacted]

An examination of Deputies Vargas and Rice's firearms were conducted by Homicide Detectives O'Quinn and Lankford. Deputy Vargas shot a total of four rounds, as she carried her weapon with fourteen rounds in the magazine and one round in the chamber.

Following the shooting Deputy Vargas' weapon contained ten rounds in the magazine and one round in the chamber.

Deputy Rice shot a total of two rounds, as she carried her weapon with fifteen rounds in the magazine and one in the chamber.

Following the shooting Deputy Rice's weapon contained thirteen rounds in the magazine and

one round in the chamber.

Only four "WIN 9mm Lugar" casings were recovered at the scene. See ***Exhibit A, page 58.***

Both firearms were tested by Sheriff's firearms examiners and found to be functional. See ***Exhibit A pages 61.***

For a copy of Deputy Vargas' Taser download report refer to ***Exhibit A, page 65***.

WEAPON USED BY SUSPECT:

Suspect Harvey possessed no weapon.

PROPERTY DAMAGE:

A parked vehicle on [redacted] just east of the incident location was identified to have sustained a bullet strike witch shattered both front door windows. ***See Exhibit A, page 47.***

CRIMINAL INVESTIGATION:

Investigator's Name:	Homicide Detectives Timothy O'Quinn and Steve Lankford
Court:	None
Charges Filed:	None
DA Case Number:	None

LIGHTING AND WEATHER CONDITIONS:

The shooting occurred during darkness, minimal property lighting.

INVOLVED EMPLOYEE STATEMENTS:

Homicide investigators interviewed all involved personnel on the date of this incident. A summary of their interviews may be found in ***Exhibit A, pages 28-44.*** The interviews were audio recorded and can be found in ***Exhibit B***.

INVOLVED EMPLOYEE DEPUTY MONICA VARGAS

On October 27, 2013, Deputy Vargas was interviewed by Homicide Bureau Investigators Tim O'Quinn and Steve Lankford. She was represented by attorney Omkar Ranade from Green & Shinee. The interview was digitally audio recorded and located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the IAB casebook. For a summary of her interview with the Homicide Bureau investigators, refer to ***Exhibit A, pages 35 through 37***. The following is a brief summary of the homicide interview:

Deputy Vargas stated she was wearing a Class A uniform with a Sam Brown. Deputy Vargas was assigned to work a one person car (133 B) in the City of Bellflower.

Deputy Vargas received a call of a business disturbance at Woodruff Care Home. The call indicated the disturbing party (Suspect Harvey) was being threatening and hostile. Deputy Vargas drove to Woodruff Care Home in tandem with Deputy Rice.

Upon their arrival at the location, both deputies were met by the informant, Mr. [redacted] The deputies were told the Suspect Harvey took his keys and locked him out of the building. Mr. [redacted] told the deputies Suspect Harvey was a Vietnam Veteran and constantly talked to himself and made statements he was going to kill somebody or he was going to kill himself. Deputy Vargas said the Informant told her Suspect Harvey did not have weapons.

Deputies Vargas and Rice checked the front doors to make sure they were locked. They then noticed the sliding door to Suspect Harvey's room was off its rail. The informant went inside the room while Deputy Vargas and her partner remained outside. Suddenly, Suspect Harvey exited the front doors and walked toward the front sidewalk.

Deputy Vargas called out to Suspect Harvey and told him she wanted to talk to him. Suspect Harvey turned back and looked in their direction and began cursing at them and shadow boxing. Deputy Vargas told Suspect Harvey to calm down or she would tase him. Suspect Harvey shouted out "Fuck you, tase me, shoot me, kill me!" Suspect Harvey lunged at Deputy Vargas and she tased him.

Suspect Harvey fell face down onto the grass just right of the walkway. Deputy Rice requested a Sergeant on the radio regarding the use of force. Deputy Rice attempted to handcuff Suspect Harvey but he turned on her and began to kick at both deputies. Deputy Vargas pulled the trigger on the Taser several times to get Suspect Harvey to comply and realized the Taser had no effect on suspect Harvey.

Deputy Vargas said Suspect Harvey got to his feet and immediately began to swing at her. Deputy Vargas removed her flashlight and tried to defend herself by blocking Suspect Harvey's wild punches.

Suspect Harvey punched Deputy Vargas on the left side of her head and she fell face down. Deputy Vargas began to lose consciousness from the punch to the head. Deputy Vargas then saw Suspect Harvey turn his attention on Deputy Rice.
Suspect Harvey lunged at Deputy Rice and punched at her wildly, knocking her to the ground. Deputy Rice got back up and Suspect Harvey kicked and punched at her. Deputy Vargas saw Suspect Harvey reach for Deputy Rice's firearm.

Throughout the incident, Suspect Harvey yelled "Bitches I'm going to kill you!" Deputy Vargas gave Suspect Harvey commands to stop and get on the ground. Suspect Harvey ignored the commands and continued to assault Deputy Rice.

Deputy Vargas believed Suspect Harvey was under the influence of a narcotic based on her observations. Suspect Harvey had what appeared to be foam around his lips. He slurred his speech and mumbled things that did not make sense. Suspect Harvey also appeared unaffected by being tased. This increased Deputy Vargas' fear.

Deputy Vargas in fear Suspect Harvey was going to remove Deputy Rice's firearm and shoot them both, upholstered her Beretta 9mm firearm and told Deputy Rice to back away because she was going shoot Suspect Harvey. Deputy Rice backed up and Deputy Vargas fired two to three rounds at Suspect Harvey from a distance of ten to fifteen feet.

Deputy Vargas stated Suspect Harvey looked at her for a second and continued to fight with Deputy Rice. Deputy Vargas heard a single shot from Deputy Rice and saw Suspect Harvey slowly go to the ground. Deputy Vargas immediately broadcasted she had been in a deputy involved shooting.

IAB INTERVIEW OF DEPUTY VARGAS:

Deputy Monica Vargas was interviewed by IAB Sergeants Mark Lopez and Richard Martinez on June 25, 2015, at 1143 hours, at the IAB Commerce office. Deputy Vargas was represented by Mitchell Kander from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the IAB casebook.

On October 27, 2013, Deputy Vargas was assigned to Lakewood Sheriff's Patrol Station. Deputy Vargas worked on the early morning shift assigned to work patrol in the city of Bellflower. Deputy Vargas worked unit 133B. Deputy Vargas wore a Class A Sheriff uniform. Deputy Vargas wore a Sam Brown that held her duty pistol, a Taser, two ammunition magazines, two handcuff cases, and O.C. spray.
Deputy Vargas does not wear glasses and stated Deputy Rice was not wearing glasses.

At approximately 0118 hours, Deputy Vargas received a call for service (Tag #35). The call was a business disturbance call [redacted]), which indicated the informant was locked out of Woodruff Care Home by a patient who was the disturbing party. The disturbing party was also being threating and hostile toward the informant.

Deputy Vargas arrived at Woodruff Care Home assisted by Deputy Rice. Both deputies contacted the informant just north of the Care Home. The informant (Mr. [redacted]) looked upset and kind of nervous. Mr [redacted] informed them that the disturbing party (Suspect Harvey) had been upset for several days and believed he had not taken his medication in a while. Mr. [redacted] reported Suspect Harvey recently said he was going to kill himself or kill somebody. Mr. [redacted] stated he stepped out of the facility to get something out of his car, at which time Suspect Harvey locked the doors behind him. Mr. [redacted] borrowed a cell

phone to call 9-1-1, from a neighbor (Witness [redacted]) who was parked in the driveway south of Woodruff Care Home.

Mr. [redacted] wanted the deputies to take Suspect Harvey to jail. Deputy Vargas informed Mr. [redacted] if Suspect Harvey had not assaulted anyone, she could not take him to jail. Mr. [redacted] stated he had no knowledge that Suspect Harvey assaulted anyone at this time. Mr. [redacted] told the deputies he did not see Suspect Harvey with any weapons.

Deputy Vargas knew her other Lakewood units were tied up on a containment so she figured her and Deputy Rice would contact Suspect Harvey and see what was bothering him. Both Deputies entered the property and checked the front doors which were still locked.

Deputy Vargas noticed a sliding screen door to the north of the front doors. Deputy Vargas noticed the screen door had been taken off the rails. Deputy Vargas asked Mr. [redacted] what happened. Mr. [redacted] told her the room belonged to Suspect Harvey and he had broken the screen door. Based on her observations, Deputy Vargas thought of requesting additional units to her location at which time Mr. [redacted] immediately entered Suspect Harvey's room. Suspect Harvey was not in his room and Mr. [redacted] was ordered to exit the room.

Just as Mr [redacted] exited the room, Suspect Harvey exited the front doors. Suspect Harvey walked toward the front sidewalk. Deputy Vargas called out to him and told him they wanted to talk to him. Suspect Harvey turned back to face both deputies who were now standing in front of the front doors.

Deputy Vargas described Suspect Harvey as a male Black in his mid 50's, 6'00" to 6'3", 190 lbs., foaming at the mouth. Suspect Harvey replied "Fuck you bitches." Deputy Vargas told Suspect Harvey that he needed to calm down or he was going to get tased. Suspect Harvey began to shadow box and stated "tase me, shoot me, kill me." Suspect Harvey continued to close the distance between himself and the deputies.

Based on Suspect Harvey's aggressive behavior, Deputy Vargas tased Suspect Harvey when he got to within five feet. Deputy Vargas believed one of the Taser darts struck Suspect Harvey in the neck and the other dart hit his body. Suspect Harvey immediately fell to the ground just north of the front walkway. Deputy Vargas estimated she held the trigger for three to five seconds. Deputy Vargas gave Suspect Harvey commands to put his hands behind his back. Suspect Harvey attempted to get up and Deputy Vargas cycled the Taser a second time for approximately three to five seconds.

Suspect Harvey briefly appeared to comply while on the ground and Deputy Vargas told Deputy Rice to request a sergeant to their location regarding force. After Deputy Rice put out the radio traffic, Deputy Rice attempted to handcuff Suspect Harvey. Suspect Harvey broke away from Deputy Rice's hold, rolled onto his back and began to kick and punch at the deputies.

Suspect Harvey attempted to get up and did not comply with commands to stay on the ground. Deputy Rice backed away from Suspect Harvey as Deputy Vargas attempted to cycle through another charge with her Taser. Deputy Vargas felt a charge under her boot and realized she had stepped on a Taser dart. Suspect Harvey showed no effects of the Taser working.

Deputy Vargas attempted to request additional units but believed the request did not go out over her radio. Deputy Vargas managed to request a sergeant to her location. At the conclusion of Deputy Vargas' radio traffic, Suspect Harvey got to his feet and charged her.

Suspect Harvey aggressed in a fighting stance and Deputy Vargas removed her Pelican flashlight and tried to fend off Suspect Harvey's punches. Deputy Vargas struck Suspect Harvey several times on his forearms as he blocked her strikes with the flashlight. Suspect Harvey knocked the flashlight out of her hand. Deputy Vargas backed up to the north part of the yard. Suspect Harvey followed Deputy Vargas and punched her on the back of her head and she fell to the ground. Deputy Vargas did not remember what Deputy Rice was doing during this time.

Deputy Vargas remembered everything went black as if she was about to pass out. Deputy Vargas told herself she had to get up and not pass out. After approximately three seconds, Deputy Vargas managed to get up and saw that Suspect Harvey directed his attention to Deputy Rice.

Deputy Vargas saw Suspect Harvey punch and kick Deputy Rice as if she was a "rag doll." Deputy Rice attempted to defend herself but Suspect Harvey was too strong. Deputy Vargas heard Suspect Harvey yell, "I'm going to kill you bitches." "Fuck you, bitches. Someone is going to die tonight."

Deputy Vargas saw Suspect Harvey attempt to remove Deputy Rice's duty pistol by grabbing the pistol with both of his hands. Deputy Vargas thought if Suspect Harvey removed Deputy Rice's duty pistol he would shoot Deputy Rice. Deputy Vargas saw Deputy Rice fall to the ground and saw space between Deputy Rice and Suspect Harvey.
Deputy Vargas was in fear for her life and the life of her partner, Deputy Rice, so she fired twice at Suspect Harvey's right side of his body. Deputy Vargas stated the two gun shots had little to no effect on Suspect Harvey.

Suspect Harvey turned to face Deputy Vargas for a second and then turned back toward Deputy Rice to continue his assault on her. Deputy Vargas remembered seeing Deputy Rice on her feet fighting with Suspect Harvey. Deputy Rice fell to the ground again and Deputy Vargas fired two more shots at Suspect Harvey's left side of his body. Deputy Vargas observed that her shots had little to no effect on Suspect Harvey, because he continued to fight with Deputy Rice who was on the floor.

Deputy Vargas then heard one round and saw Suspect Harvey slowly go down to the ground. Deputy Vargas checked on her partner's welfare and discovered she was okay. Deputy Vargas broadcasted they had been in a deputy involved shooting and she needed fire rescue for the suspect. Deputy Vargas held Suspect Harvey at gun point until the first unit arrived.

Deputy Vargas stated she was approximately five to seven feet from Suspect Harvey when she fired both times. Deputy Vargas stated she shot in a South/East direction and remembered the parked cars on the street were her backdrop.

In Deputy Vargas' Homicide interview, she stated she only had fifteen rounds in her duty pistol as opposed to sixteen. Deputy Vargas stated she normally carries sixteen rounds but several weeks prior she had qualified at Lakewood Station. When Deputy Vargas unloaded her duty ammunition one of her rounds fell to the ground and she did not locate it. Deputy Vargas went on to qualify and went back into the field with three magazines containing fifteen rounds. Deputy Vargas intended on adding a round to her weapon but forgot about the missing round.

INVOLVED EMPLOYEE DEPUTY MYESHA RICE:

On October 27, 2013, Deputy Rice was interviewed by Homicide Bureau Investigators Tim O'Quinn and Steve Lankford. She was represented by attorney Omkar Ranade from Green & Shinee. The interview was digitally audio recorded and located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the IAB casebook. For a summary of her interview with the Homicide Bureau investigators, refer to ***Exhibit A*****,** ***pages 38 through 39***. The following is a brief summary of the homicide interview:

Deputy Rice was assigned to work unit 132A in the City of Lakewood. Deputy Rice worked from [redacted] Deputy Rice assisted Deputy Vargas with her party calls because City of Bellflower deputies were on a stolen vehicle containment.

Deputy Rice responded with Deputy Vargas to Woodruff Care Home regarding a business disturbance call. Upon their arrival, they met the informant on the sidewalk. The informant told the deputies he was locked out of the Care Home. The informant said the disturbing party (Suspect Harvey) is an old Army Veteran suffering from Post-Traumatic Stress Disorder. He was inside yelling, screaming and cursing.

Deputy Rice asked the informant if he had been assaulted by Suspect Harvey. The informant said "no." Deputies Rice and Vargas decide to go to the front doors to try and talk to Suspect Harvey. The deputies pulled on the front doors and confirm they were still locked. Deputy Rice looked to her right and saw the screen was removed from a sliding door. The informant told the deputies the room belonged to Suspect Harvey. The informant and deputies walked over to the sliding door and the informant entered the room.

Deputy Rice looked into the room and did not see Suspect Harvey inside.

Seconds later Suspect Harvey exited the front doors. Suspect Harvey walked quickly toward the sidewalk as he mumbled to himself. Deputy Rice heard Deputy Vargas call out to Suspect Harvey. Deputy Vargas told him they wanted to talk to him. Suspect Harvey turned and walked back toward the deputies, wailed his arms up and down, and mumbled to himself.

Deputy Rice observed a foam-like substance on the side of Suspect Harvey's mouth. Deputy Rice said she was admittedly frightened by Suspect Harvey's behavior. Deputy Rice heard Deputy Vargas tell Suspect Harvey to stop advancing on them and Suspect Harvey ignored her commands. Deputy Rice yelled for Deputy Vargas to tase Suspect Harvey.

Deputy Vargas tased Suspect Harvey and he fell face down on the grass. Deputy Rice said Suspect Harvey appeared to be complying with commands to put his hands behind his back. Deputy Rice got on her portable radio and requested a sergeant to their location regarding the use of force. Deputy Rice attempted to handcuff Suspect Harvey.
Suspect Harvey turned over and kicked at Deputy Rice. Deputy Vargas tried to cycle her Taser a second time but it had not effect on Suspect Harvey. Suspect Harvey got to his feet and began to kick and punch at Deputy Rice. Deputy Rice removed her ASP Baton and used it to strike Suspect Harvey in the legs and to block his kicks.

Suspect Harvey then turned his assault on Deputy Vargas. Suspect Harvey struck her with his fists and she went down to the ground. Deputy Rice continued to use her ASP Baton on Suspect Harvey and give him commands to get on the ground. Suspect Harvey then turned his attention on Deputy Rice again and pushed her into a cement fountain that was in the middle of the front grass area. Deputy Rice saw Suspect Harvey grab at her gun on her right hip area.

Deputy Rice then heard gunshots. Suspect Harvey was still assaulting Deputy Rice with his punches and kicks. Deputy Rice was terrified by Suspect Harvey's will to overcome being tased and shot. Deputy Rice thought Suspect Harvey was going to try and kill her and Deputy Vargas. Once Deputy Rice saw that Suspect Harvey did not stop his assault, Deputy Rice shot one round at Suspect Harvey. Deputy Rice saw Suspect Harvey go down face forward and remain on the ground unresponsive.

Deputy Rice was taken to the hospital and treated for a knot on her left arm and pain to her lower and upper back.

IAB INTERVIEW OF DEPUTY RICE:

On June 26, 2015, at 1103 hours **Deputy Myesha Rice** was interviewed by IAB Sergeants Mark Lopez and Richard Martinez, at the IAB Commerce office. Deputy Rice was

represented by Mitchell Kander from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the IAB casebook. The following is a brief summary of the IAB interview:

On October 27, 2013, Deputy Rice was assigned to Lakewood Sheriff's Patrol Station. Deputy Vargas worked on the PM shift assigned to work patrol in the city of Lakewood. Deputy Rice worked unit 132A. Deputy Rice wore a Class A Sheriff uniform. Deputy Vargas wore a Sam Brown that held her duty pistol, an ASP Baton, two ammunition magazines, two handcuff cases, and O.C. spray. Deputy Rice stated she wears glasses to assist her with nighttime driving but did not remember if she left her glasses in her vehicle when she exited to handle this call.

IAB Note: No glasses were recovered at the crime scene.

At approximately 0118 hours, Deputy Rice assisted Deputy Vargas on a call for service (Tag #35). The call was a business disturbance call [redacted] that indicated the informant was locked out of Woodruff Care Home by a patient who was the disturbing party.
Upon their arrival Deputy Rice and Deputy Vargas met with Mr. [redacted] the informant. Mr. [redacted] reported the disturbing party (Suspect Harvey) was acting crazy and he wanted him arrested.

Deputy Rice knew the Care Home was an assisted living facility that is supervised by medical staff and if was not uncommon for patients to act out of the ordinary on occasion.

Deputy Rice and Deputy Vargas followed Mr. [redacted] to the front doors, which were still locked. Mr. [redacted] saw the sliding door to the right of the front doors was ajar. Mr. [redacted] removed the screen and entered the room. Mr. [redacted] was in the room for a short time and indicated the occupant of the room was not there.

As Mr. [redacted] exited the room, Suspect Harvey exited the front doors. Suspect Harvey walked toward the sidewalk. Deputy Vargas called out for Suspect Harvey to come back and talk to them. Deputy Rice and Deputy Vargas stood in front of the entrance doors as they communicated with Suspect Harvey. Deputy Rice noticed when Suspect Harvey turned to face them he had a frazzled look on his face and was foaming at the mouth. Deputy Rice described Suspect Harvey as slim, approximately 6 feet tall, with long arms.

Suspect Harvey turned and ran in their direction swinging his arms back and forth. Deputy Rice heard Deputy Vargas give Suspect Harvey to stop but Suspect Harvey continued to close the distance so Deputy Rice told Deputy Vargas to tase Suspect Harvey. At approximately seven feet away Deputy Vargas tased Suspect Harvey. Suspect Harvey went down on the grass to the right of the walkway.

Deputy Rice got on the radio and requested a sergeant to their location regarding a use of force. Deputy Rice straddled Suspect Harvey as she removed her handcuffs in an attempt to handcuff Suspect Harvey. Suspect Harvey pulled out the Taser dart, turned on his back, and kicked the handcuffs out of Deputy Rice's hand. Suspect Harvey then got to his feet and began to fight with Deputy Rice.

Deputy Rice remembered Suspect Harvey punching her in her arms. Deputy Rice removed her ASP Baton and struck Suspect Harvey in the lower portion of his body to try and get him off his feet. Deputy Rice gave Suspect Harvey commands to get on the ground. Deputy Rice remembered Deputy Vargas striking Suspect Harvey with either her baton or flashlight.

Deputy Rice stated Deputy Vargas must have hit Suspect Harvey good because he turned his attention toward her and began to punch her and she went down. Deputy Rice thought Deputy Vargas was hurt bad and they were in a fight for their lives. Suspect Harvey then attacked Deputy Rice. She remembered fragments of the conclusion of the incident. Deputy Rice was told by Deputy Vargas that Suspect Harvey threw her into the fountain and she might have hit her head.

Deputy Rice stated she almost lose consciousness. Deputy Rice remembered she was up against the fountain and she heard two to three gun shots.

Deputy Rice did not know where the gun shots came from. Deputy Rice saw Suspect Harvey in front of her and saw that he was going for her duty pistol. Deputy Rice felt the Taser, ASP Baton, and flashlight strikes did not stop Suspect Harvey and she believed Suspect Harvey was trying to kill her and Deputy Vargas.

Deputy Rice removed her duty pistol and shot twice at Suspect Harvey who was in front of her. Suspect Harvey went down immediately and the fight was over. Both Deputy Rice and Deputy Vargas detained Suspect Harvey at gun point until the first assisting unit arrived.

EMPLOYEE WITNESSES:

None

NON EMPLOYEE WITNESSES:

The following civilian witnesses were identified at the location and interviewed during the investigation by Homicide Bureau Investigators Tim O'Quinn and Steve Lankford. For the complete verbatim interview, refer to ***Exhibit B, audio files***. Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide Bureau case book in ***Exhibit A***.

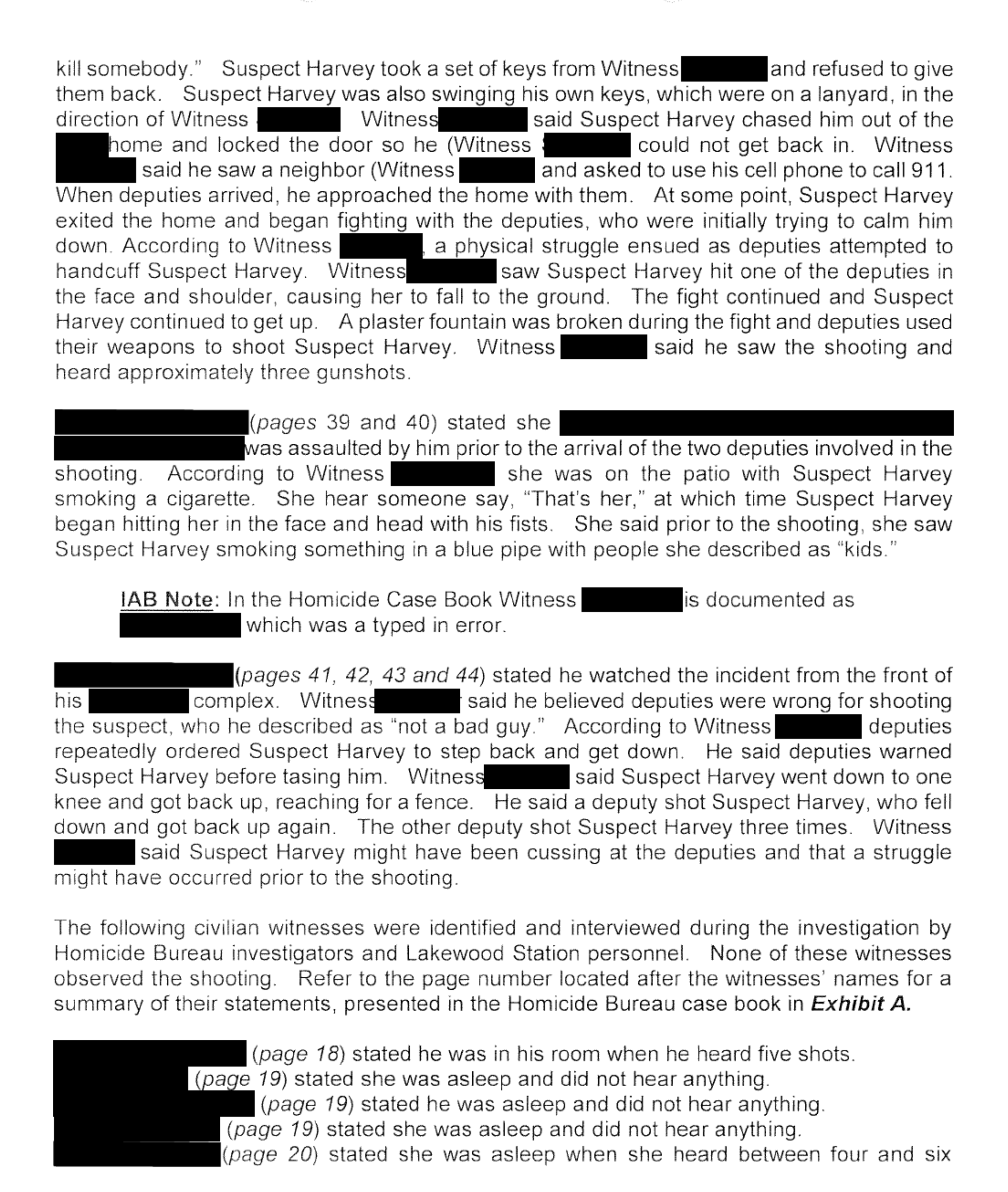
[redacted] *(pages 30 and 3)* stated she was in her residence when she heard a commotion and stepped out into her driveway. From approximately 75-100 feet away, she saw a male black arguing with two female deputies. She described the male as aggressive

toward the deputies, who were telling him to back up and calm down. Witness [redacted] then saw a physical altercation between the male and the deputies. She believes she heard a Taser activated. According to Witness [redacted], the male struck one of the deputies with enough force that she (Witness [redacted]) heard the impact from where she was standing. Witness [redacted] said the female fell backward into a small tree. The male got up, put his fists in the air, and circled the immediate area in a manner she described as being like a boxer. Initially Witness [redacted] and two other witnesses ran toward the deputies but when both deputies drew their guns, she began to back up. At that time she was approximately 20 feet away from the male and the deputies. As Witness [redacted] began to back up, she turned away and heard one gunshot, followed by three additional shots. She did not actually witness the shooting.

[redacted] (*page 32 and 33*) stated he was in his driveway when he was approached by a worker from the Woodruff Care Convalescent Home approached him and said one of the patients was "acting out." The worker asked to use Witness [redacted] cell phone, who used it to call 911. Witness [redacted] later saw two female deputies arrive at the location. From approximately fifteen feet away, Witness [redacted] saw the deputies start to go inside the location, at which time the patient exited the location. Witness [redacted] heard a 'smack" but did not know what caused it. He noted the male was agitated and yelling loudly. The deputies were telling the male to get on the ground. Witness [redacted] said the male initially complied with orders from the deputies, but quickly stood up again. He saw the deputies striking the male with their batons and said the male would go to the ground and then get back up again. Witness [redacted] estimated the duration of the physical struggle between the male and the deputies lasted approximately eight minutes. He saw a light on the male which he believed was from a Taser. At some point, the male rushed one of the deputies. The deputies drew their weapons and shot the male. Witness [redacted] said he initially heard four shots and then approximately three additional shots.

[redacted] (*page 33*) stated she was standing in the driveway with Witness [redacted] which was approximately [redacted] houses down from the incident location. She saw two female deputies arrive and briefly entered the location before exiting. A male black then came out the front doors behind the deputies. Witness [redacted] heard the deputies tell the male to put his hands behind his back. The male was not complying when they tried to handcuff him. Witness [redacted] watched a physical altercation ensue between the male and the deputies. The male would fall down and get back. After being tased by one of the deputies the male got back up. Witness [redacted] saw a struggle and heard deputies giving commands to the male. Witness [redacted] followed other witnesses who were running toward the deputies to assist when she (Witness [redacted] heard a gunshot. She did not see that actual shooting or any events following the shooting.

[redacted] (*page 33,34 and 35*) stated Suspect Harvey had been a resident of the home for approximately four years and had not caused any problems in past years, however, over the past month, he had been acting inappropriately and creating disturbances. On the date of the incident, Suspect Harvey was yelling at Witness [redacted] and said he "wanted to


kill somebody." Suspect Harvey took a set of keys from Witness [redacted] and refused to give them back. Suspect Harvey was also swinging his own keys, which were on a lanyard, in the direction of Witness [redacted] Witness [redacted] said Suspect Harvey chased him out of the [redacted] home and locked the door so he (Witness [redacted] could not get back in. Witness [redacted] said he saw a neighbor (Witness [redacted] and asked to use his cell phone to call 911. When deputies arrived, he approached the home with them. At some point, Suspect Harvey exited the home and began fighting with the deputies, who were initially trying to calm him down. According to Witness [redacted], a physical struggle ensued as deputies attempted to handcuff Suspect Harvey. Witness [redacted] saw Suspect Harvey hit one of the deputies in the face and shoulder, causing her to fall to the ground. The fight continued and Suspect Harvey continued to get up. A plaster fountain was broken during the fight and deputies used their weapons to shoot Suspect Harvey. Witness [redacted] said he saw the shooting and heard approximately three gunshots.

[redacted] (*pages* 39 and 40) stated she [redacted] was assaulted by him prior to the arrival of the two deputies involved in the shooting. According to Witness [redacted] she was on the patio with Suspect Harvey smoking a cigarette. She hear someone say, "That's her," at which time Suspect Harvey began hitting her in the face and head with his fists. She said prior to the shooting, she saw Suspect Harvey smoking something in a blue pipe with people she described as "kids."

> <u>**IAB Note**</u>: In the Homicide Case Book Witness [redacted] is documented as [redacted] which was a typed in error.

[redacted] (*pages 41, 42, 43 and 44*) stated he watched the incident from the front of his [redacted] complex. Witness [redacted] said he believed deputies were wrong for shooting the suspect, who he described as "not a bad guy." According to Witness [redacted] deputies repeatedly ordered Suspect Harvey to step back and get down. He said deputies warned Suspect Harvey before tasing him. Witness [redacted] said Suspect Harvey went down to one knee and got back up, reaching for a fence. He said a deputy shot Suspect Harvey, who fell down and got back up again. The other deputy shot Suspect Harvey three times. Witness [redacted] said Suspect Harvey might have been cussing at the deputies and that a struggle might have occurred prior to the shooting.

The following civilian witnesses were identified and interviewed during the investigation by Homicide Bureau investigators and Lakewood Station personnel. None of these witnesses observed the shooting. Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide Bureau case book in ***Exhibit A.***

[redacted] (*page 18*) stated he was in his room when he heard five shots.
[redacted] (*page 19*) stated she was asleep and did not hear anything.
[redacted] (*page 19*) stated he was asleep and did not hear anything.
[redacted] (*page 19*) stated she was asleep and did not hear anything.
[redacted] (*page 20*) stated she was asleep when she heard between four and six


gunshots.
[redacted] (*page 20*) stated he heard someone yelling, "Bitch!" and then heard three to four gunshots.
[redacted] (page 20) stated he heard two gunshots followed by a third gunshot.
[redacted] (*page 20*) stated he did not hear anything.
[redacted] (*page 24*) stated she heard a loud popping noise.
[redacted] (*page 24*) stated she heard arguing and then two loud gunshots, followed by a female saying, "Don't get up or I'll shoot you again."
[redacted], **FH/65** (*page 25*) stated she heard a female yelling, "Stop it, stop it, get on the ground." Witness [redacted] went outside on her balcony and saw a man punching and kicking two female officers. She said the female officers could not stop the man's attack and the Taser had no effect on the man. Witness [redacted] went back inside for a minute and heard three gunshots. Witness [redacted] then looked outside and saw the man that was attacking the officers lying face down in the grass. ***Exhibit A, page 25***.
[redacted] (*page 25*) stated she was asleep and did not hear anything.
[redacted] (*page 25*) stated he was in bed when he heard five loud "bangs."
[redacted] (*page 25*) stated he was asleep when he was awoken by one soft pop possibly from the sound of the Taser. He then heard a couple of loud pops from a gun.
[redacted] (*page 25*) stated she was asleep and did not hear anything.
[redacted] (*page 25*) stated she was asleep and did not hear anything.
[redacted] (*page 26*) stated she was inside of her residence when she heard two people arguing. She heard a female yell, four to five times, "Get on the ground," followed by three gunshots. She then heard an additional three gunshots for a total of six gunshots.
[redacted] (*page 26*) stated he was waking up from sleep when he heard one shot.
[redacted] (*page 27*) stated she heard a male and female arguing and then heard the female say, "Get down." She then heard a total of three gunshots.
[redacted] (*page 27*) stated heard what he thought were fireworks. He was unsure how many shots he heard.

SUSPECT STATEMENT

None (Deceased)

MISCELLANEOUS:

In the Laboratory Analysis Summary Report, presented in ***Exhibit A***, ***page 90***, it shows Suspect Harvey had marijuana in his system.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

October 8, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #13-0721
L.A.S.D. File #013-20963-1337-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 27, 2013, fatal shooting of William Harvey by Los Angeles Sheriff's Department (LASD) Deputies Monica Vargas and Myesha Rice. We find that Deputies Vargas and Rice acted in lawful self-defense and in defense of one another.

The District Attorney's Command Center was notified of the shooting on October 27, 2013 at 6:50 a.m. The District Attorney Response Team, comprising Deputy District Attorney Gretchen Ford and District Attorney Senior Investigator Regina Crenshaw responded to the scene and was given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports and recordings submitted by LASD Homicide Detectives Timothy O'Quinn and Steve Lankford. The voluntary statements of Deputies Vargas and Rice were considered in this analysis.

FACTUAL ANALYSIS

Overview

Decedent William Harvey was a long term resident of the Woodruff Care Home convalescent care facility.[1] In the weeks leading up to the incident, Harvey's behavior had become

[1] Woodruff Care Home is an 88 bed assisted living residential facility, providing assisted living to senior citizens. It provides hospice care and housing for patients with a variety of ailments including dementia. At the time of the incident, there were 63 residents.

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increasingly erratic and he had become threatening toward staff members. Harvey had also made statements that he wanted to kill someone.[2]

On the night of the incident, Harvey managed to get a large set of keys on a lanyard from [redacted] the sole employee working at that time. Using the keys as a weapon, Harvey chased [redacted] out of the building and locked the doors. While [redacted] was locked out of the building, Harvey struck resident [redacted] in the head both with his fist and with the keys.

Meanwhile, [redacted] called 9-1-1 from outside. Deputies Vargas and Rice responded. As the deputies stood outside the locked building, Harvey raced out the front door. The deputies called out to Harvey that they wanted to speak with him. In response, Harvey charged at the deputies, attempting to punch both of them with his fists. A fight ensued, in which Harvey ignored the deputies' commands, punched, kicked and shoved both deputies, and tried to gain control of Rice's firearm. Harvey struck Vargas on the head with such force that she nearly lost consciousness. Harvey shoved Rice into the fountain with such force that she broke the fountain.

Vargas deployed her Taser, which had limited effect on Harvey. Rice struck Harvey with her baton, which seemed to have no effect. When Harvey tried to grab Rice's gun, Vargas shot at him. Harvey did not respond to the gunshots, causing Rice to shoot him as well.

Detailed Statement of Facts

On October 27, 2013 at 1:27 a.m., LASD Lakewood Station received a call of a "commercial disturbance" at the Woodruff Care convalescent home located at 16409 Woodruff Avenue in Bellflower. The caller, [redacted] who was a caregiver at Woodruff Home, stated that a patient, William Harvey, had been behaving erratically in the weeks leading up to the incident. Harvey had chased and locked [redacted] out of the building.

Deputies Vargas and Rice responded. As soon as Vargas and Rice arrived, they were approached by [redacted] in front of the building. He told them that Harvey had locked him out and that Harvey had said that he wanted to kill someone. As Vargas and Rice stood in front of the building, Harvey ran out the front entrance, toward the street.

The front entrance of Woodruff Home is on Woodruff Avenue, a north/south street, and faces east. There is a walkway running from the front door of Woodruff Home to the sidewalk. There is a small lawn running along the eastern side of the building. A wrought iron fence, just above waist level in height, separates the lawn from the eastern sidewalk of Woodruff. The fence wraps around the northern portion of the lawn, enclosing it.

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[2] Harvey was 55 years of age, 6'1" and 235 pounds at the time of the incident.

Harvey's former apartment, which is immediately north of the front entrance, faces east, toward the southern portion of the lawn. Harvey's apartment has a sliding door, facing Woodruff. The sliding door is approximately six feet north of the front door of the building. A narrow walkway runs north/ south outside Harvey's sliding door. A waist level brick wall separates that walkway from the lawn. There is no barrier between the front door of the building and the paved area outside of Harvey's apartment. On the lawn, just outside of Harvey's former apartment (and east of the brick wall) is a three tiered fountain.

Statement of [redacted]

[redacted] shift started at midnight, and his responsibilities included giving medication to patients, including Harvey. [redacted] had worked at Woodruff Home for two years and Harvey had been a patient there before his arrival.

Harvey's History of Drug Use

[redacted] believed he may have seen Harvey buying drugs about a month before the incident, but provided no further details about what he had seen. [redacted] indicated that in the year before the shooting, morning shift employees had found marijuana or marijuana packaging in Harvey's room more than 10 times.

Harvey's Deterioration Before the Incident

[redacted] indicated that Harvey's behavior had noticeably deteriorated in the time period before the incident. Although Harvey had not been violent in the past, in the month before the incident, other employees had told [redacted] that Harvey had been aggressive and mean, that he had been talking to himself, staying in his room, and not wanting anyone to open his door. At an unspecified time, Harvey had stopped taking his medications. [redacted] did not seem to know whether or not Harvey took psychiatric medication, but he later stated that one of Harvey's medications was for "mental" issues.

The Night of the Incident

When [redacted] arrived at Woodruff Home on the night of the incident, he learned that Harvey had been acting up, talking to himself and cursing at everyone. While [redacted] was working in the medication room, Harvey stayed by the medication counter, staring speechlessly at [redacted] While [redacted] was doing his medication rounds, Harvey got control of [redacted] keys, which were on a lanyard. Harvey made a run at [redacted] swinging then throwing the keys at him. Harvey said he wanted to kill someone. [redacted] was afraid. At about 1:15 a.m., Harvey chased [redacted] out of the building and locked him out. [redacted] called 9-1-1 from outside the building and told the dispatcher that he needed the police to come and check on Harvey because he

was "acting up." [redacted] believed that Harvey attacked [redacted] while he was locked out.

When Deputies Vargas and Rice arrived, [redacted] met them in front of the building and told them that Harvey had said he wanted to kill someone. He also told them that Harvey's only weapon was the keys on the lanyard. The deputies approached the front of the building and began to look through Harvey's sliding glass doors. Harvey exited the front door of the building very fast. One of the deputies, addressing Harvey as "sir," called out to him to come talk to them.[3] Harvey came back to the deputies and began to fight them by striking them with closed fists. Harvey hit one of the deputies on the left cheek or shoulder, and she fell to the ground.

The deputy who had not been struck jumped in and tried to hold Harvey, but he was too strong. The deputies got Harvey on the ground and tried to put handcuffs on him. Harvey was on his back trying to get up, and the deputies were trying to hold him down. The deputies lost control of Harvey, and he started fighting with one of the deputies again.

After Harvey punched one of the deputies, the other deputy used her Taser on him. That caused Harvey to fall to the ground. The effect of the Taser was brief, and soon Harvey was on his feet and fighting again. [redacted] saw the deputies fire three shots from their firearms. No matter what the deputies did, Harvey continued to fight until he was shot.

Statement of Deputy Monica Vargas

Deputy Monica Vargas was dressed in full uniform, working patrol in Bellflower in a marked one man car when she got the radio call to respond to Woodruff Home regarding a disturbance. The call included the information that the caller had been locked out of the care home by the disturbing party (Harvey) and that Harvey was being threatening and hostile to [redacted]. Vargas drove to Woodruff Home in tandem with Deputy Myesha Rice. Vargas and Rice were the sole units initially deployed to Woodruff Home because all other Bellflower and Lakewood units were involved in a containment.

When Vargas and Rice arrived, [redacted] was on the sidewalk in front of Woodruff Home. [redacted] indicated that he was the night nurse, and that Harvey had taken his keys and locked him out. [redacted] described Harvey as a veteran with a mental condition, who constantly talked to himself and threatened to kill himself or others. [redacted] also indicated that Harvey had no weapons.

[3] For the most part, [redacted] did not differentiate between the deputies in his description of the events.

The deputies checked the front door to confirm that it was still locked, and immediately noticed that the sliding door to Harvey's unit was off of its rail. [redacted] explained that Harvey had broken his door. Vargas and Rice remained outside Harvey's unit. Suddenly, Harvey ran out of the front door of the building. Vargas called out to Harvey that she and her partner needed to talk to him.

In response, Harvey turned to the deputies and approached them on the walkway.[4] Harvey was cursing and said he wanted to kill them or someone else. Vargas noted that he had been foaming at the mouth. Harvey started shadow boxing and lunged at the deputies. Vargas told Harvey to stop, and he replied, "Fuck you bitches." Harvey charged at Vargas, causing her to get her Taser out. Vargas warned Harvey that if he did not stop, she would tase him. Harvey responded, "Fuck you, tase me, shoot me, kill me." Harvey lunged at Vargas again, (Vargas did not specify whether Harvey tried to strike her at that moment) and she fired her Taser at him. Harvey walked away from Vargas, onto the grass of the front yard. Apparently in response to being tased, Harvey fell face down on the grass. Vargas believed Harvey might be under the influence of a controlled substance because he made no sense and seemed not to be affected by the Taser.

Vargas told Harvey to put his hands behind his back. Initially, Harvey complied by putting his arms up, then said, "Fuck you," and began to rise to his feet. Vargas hit the Taser trigger again and told Harvey to put his hands behind his back.[5] Initially Harvey complied. Deputy Rice attempted to place handcuffs on Harvey, but Harvey escaped her grip. Harvey, who had remained on his stomach, pushed his weight into Rice, pushing her backward, and rolled onto his back. Harvey began to swing his arms at Rice and kicked at her as though he was trying to break her shin. Both deputies told Harvey to stop. Vargas realized that the Taser was having no effect on Harvey. One Taser dart was visible in Harvey's neck, but the other was not visible.

Harvey jumped up and ran toward Vargas with both arms up and tried to punch her in a manner she described as being "like a boxer." Vargas grabbed her flashlight and tried to deflect Harvey's blows. One of Harvey's punches connected with the left side of Vargas' face and neck. Vargas fell face down on the grass.

Vargas began to see black, and felt that she was losing consciousness from the blow to her head. As Vargas fell to the ground, she watched Harvey lunge at Rice, knocking her to the ground and falling to the ground himself. Rice got back up, and Harvey tried to punch and kick her. It appeared to Vargas that Harvey was trying both to punch Rice's arms and to take Rice's firearm. Throughout the incident, Harvey was yelling, "Bitches I'm gonna kill you!" Vargas feared that

[4] Recordings of the deputies' radio transmissions corroborate their descriptions of the early parts of the incident. At 1:25 a.m., the deputies ordered Harvey not to move, telling Harvey to put his hands behind his back. At 1:26 a.m., Harvey can be heard shouting in the background.
[5] The Taser records for Vargas' Taser indicated that she pulled the trigger ten times between 1:31:16 a.m. and 1:33:18 a.m. All of the bursts were between five and eight seconds in duration.

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Harvey would knock Rice out, take her firearm and shoot both deputes. Vargas fought to remain conscious and got back up to defend herself and Rice.

Vargas unholstered her department issued Beretta 9 mm firearm and told Harvey that he needed to stop, comply and get on the ground. Harvey did not comply. Vargas told Rice to back away from Harvey because she intended to shoot him. Rice backed up, and Vargas fired two to three rounds at Harvey from a distance of approximately ten to fifteen feet. Harvey did not appear to be affected by the bullets, because he lunged at Rice. During the fight, Vargas observed that the yard was enclosed to the north by a fence, trapping the deputies in close proximity to Harvey. At one point during the fight, Vargas used her flashlight on Harvey and Rice used her baton. She did not specify when.

Harvey appeared to be under the influence of narcotics. He had what appeared to be foam around his lips. He was slurring his speech and mumbling things that made no sense. Harvey also appeared unaffected by being tased. This increased Vargas' fear.

Statement of Deputy Myesha Rice

At the time of the incident, Deputy Rice was dressed in full uniform, working patrol in a marked one man car assigned to the City of Bellflower. Rice got a radio transmission of a "415 business," including the information that the caller had been locked out of the residence by the suspect. She knew that all other deputies working patrol that night were involved in a containment and would be unavailable for backup.

[redacted] looking "frazzled and afraid," waved them down from the sidewalk in front of the business. [redacted] indicated that he had been locked out by "an old army vet" who possibly had post-traumatic stress disorder, who was inside yelling, cursing, screaming and talking to himself.

As the deputies looked through Harvey's sliding door into his unit, Harvey burst through the front door of the building and walked very fast toward the street, mumbling to himself. Vargas called to Harvey by his name to come to them. Harvey began to walk toward the deputies, "whaling" his arms up and down wildly and mumbling. Harvey had foam on the side of his mouth, and was yelling and screaming, causing Rice to be afraid. In the initial encounter, they asked him to come and talk to them and to put his hands behind his back. In response, he charged at them without saying anything. Based upon her experience, Rice believed Harvey may have been on drugs. He did not seem rational, he did not listen to what the deputies said, and he seemed determined to hurt them.

Vargas told Harvey to stop, but he did not comply. Rice told Vargas to tase him. Vargas tased Harvey near the front door. Rice could not see any Taser darts in Harvey. However, he

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appeared to have been tased because he walked to the grassy area in front of the buiding with his arms still whaling. He fell face down on the grass. As the fight moved onto the grass, they became confined by the fence surrounding the grass.

Vargas told her not to approach Harvey because her Taser was still "cycling through."[6] Initially, after he hit the ground, Harvey began to comply with the command to put his hands behind his back. Rice approached him and began to place handcuffs on him. Rice believed at that point that Harvey had been subdued.

Vargas told Rice to stand back so that she could cycle the Taser through again. Rice stepped away. She saw that the Taser had no effect on Harvey, who stood back up and began to advance on Rice. As a response, Rice took out her ASP baton and struck Harvey with it to deflect his kicks and punches.

Rice saw Harvey strike Vargas with his fist on an unknown part of her body, and Vargas fell to the ground. During Harvey's assault on Vargas, Rice continued to strike him with her baton and told him to get down and place his hands behind his back. Harvey did not comply. Once Vargas was down, Harvey approached Rice, either hitting or pushing her into the fountain. Rice stumbled into the fountain but did not completely fall down.

A few seconds later, Rice heard gunshots. She did not see Vargas shoot, but she heard Vargas shouting and assumed she had shot Harvey. It had no effect on Harvey, who was still "Swinging toward [Rice] and still kicking."[7] Rice indicated that, just before she shot, it appeared that Harvey was trying to take her gun by grabbing at her gun side; Rice did not indicate the distance between herself and Harvey as he appeared to try to get her gun.

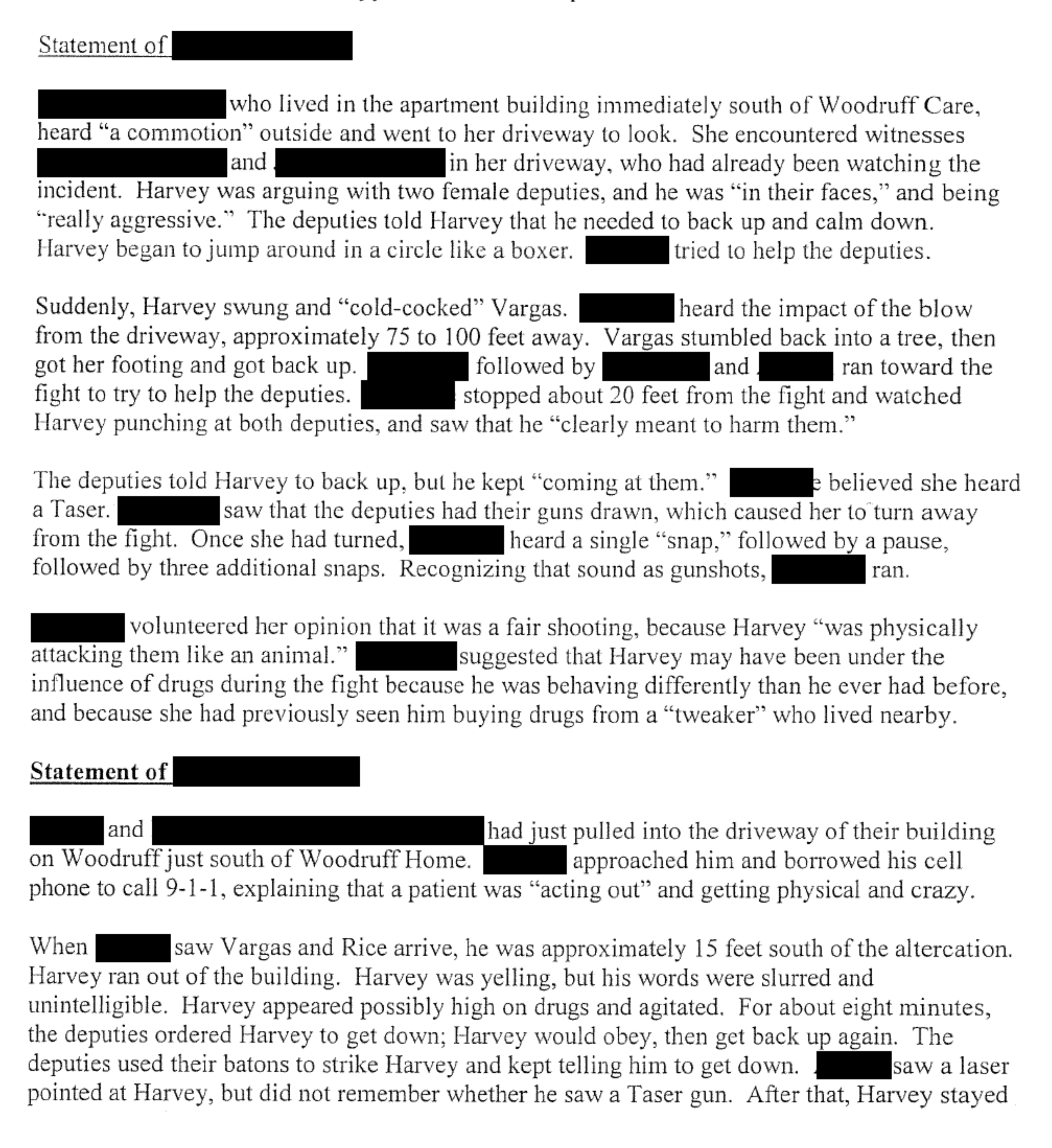
It terrified Rice that Harvey was able to continue his assault on her despite having been both shot and tased. Rice believed Harvey would try to kill her and Vargas. She decided it was necessary for her to shoot also. She shot him from a distance of approximately four to five feet.[8] She believed that she fired her weapon one time.

She saw Harvey fall face forward on the ground and lie there. During the struggle, Rice lost control of her handcuffs and her baton.

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[6] "Cycling through" means allowing the full five second electrical current to run from the Taser, through the copper wires, into the target. If both Taser darts are lodged in the target and the Taser is cycling through, a person who touches the target between the darts may receive a portion of the electrical current.
[7] Rice did not specify the exact distance between herself and Harvey while he swung at and kicked at her.
[8] Rice indicated that after she stumbled into the fountain, she stood back up and composed herself. Rice's stumbling and partially falling appears to have established a small amount of distance between herself and Harvey.

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During the fight, Rice sustained a knot on the back of her left arm, possibly from falling into the fountain. In addition, she had upper and lower back pain.

Statement of [redacted]

[redacted] who lived in the apartment building immediately south of Woodruff Care, heard "a commotion" outside and went to her driveway to look. She encountered witnesses [redacted] and [redacted] in her driveway, who had already been watching the incident. Harvey was arguing with two female deputies, and he was "in their faces," and being "really aggressive." The deputies told Harvey that he needed to back up and calm down. Harvey began to jump around in a circle like a boxer. [redacted] tried to help the deputies.

Suddenly, Harvey swung and "cold-cocked" Vargas. [redacted] heard the impact of the blow from the driveway, approximately 75 to 100 feet away. Vargas stumbled back into a tree, then got her footing and got back up. [redacted] followed by [redacted] and [redacted] ran toward the fight to try to help the deputies. [redacted] stopped about 20 feet from the fight and watched Harvey punching at both deputies, and saw that he "clearly meant to harm them."

The deputies told Harvey to back up, but he kept "coming at them." [redacted] believed she heard a Taser. [redacted] saw that the deputies had their guns drawn, which caused her to turn away from the fight. Once she had turned, [redacted] heard a single "snap," followed by a pause, followed by three additional snaps. Recognizing that sound as gunshots, [redacted] ran.

[redacted] volunteered her opinion that it was a fair shooting, because Harvey "was physically attacking them like an animal." [redacted] suggested that Harvey may have been under the influence of drugs during the fight because he was behaving differently than he ever had before, and because she had previously seen him buying drugs from a "tweaker" who lived nearby.

Statement of [redacted]

[redacted] and [redacted] had just pulled into the driveway of their building on Woodruff just south of Woodruff Home. [redacted] approached him and borrowed his cell phone to call 9-1-1, explaining that a patient was "acting out" and getting physical and crazy.

When [redacted] saw Vargas and Rice arrive, he was approximately 15 feet south of the altercation. Harvey ran out of the building. Harvey was yelling, but his words were slurred and unintelligible. Harvey appeared possibly high on drugs and agitated. For about eight minutes, the deputies ordered Harvey to get down; Harvey would obey, then get back up again. The deputies used their batons to strike Harvey and kept telling him to get down. [redacted] saw a laser pointed at Harvey, but did not remember whether he saw a Taser gun. After that, Harvey stayed

down for a while, then popped back up. Harvey rushed at one of the deputies and both deputies pulled out their guns. They continued to tell him to get down.

The deputies shot two salvos. The first salvo was four shots. [redacted] was unclear in his description, but it appears that Harvey went down after the first salvo, then began to get back up again. Then, the deputies fired three more rounds. [redacted] estimated that he was about 10 feet from the fight by the end because he crept closer.

Statement of [redacted]

[redacted] saw Harvey emerge from the building. Harvey was yelling and "coming at" the deputies and he was "up in their face." The deputies told him to put his hands behind his back and they were trying to handcuff him. Harvey refused and did not appear afraid. At one point the deputies held batons. The deputies tased Harvey a few times, but he fell and got right back up each time. While the deputies were deploying the Taser, they told Harvey to stay down and put his hands back down. [redacted] heard the sound of the Taser and heard Harvey making sounds, but she did not see the Taser. Harvey tried to hit the deputies, but she did not see him actually make contact with either deputy. [redacted] heard a gunshot, but saw no gun. She ran when she heard the gunshot. The events became a blur. She saw Harvey on the ground, near some plants.

Statement of [redacted]

[redacted] is a resident of Woodruff Home. On the night of the shooting, at an unspecified time, [redacted] and Harvey got into a dispute about another resident. Harvey was frothing at the mouth. Harvey started hitting her with his left hand on the right side of her head. He was striking her with a set of keys he held in his left hand, which broke the key ring. [redacted] ran from Harvey. He pursued her down the hallway, caught her and hit her with his right hand on the left side of her head. Harvey grabbed [redacted] hugged her, and ran away.

Physical Evidence:

1. **Firearms and Ballistic Evidence**

Deputy Vargas was armed with a Beretta semi-automatic 9 mm handgun. Based upon the round count of her gun, Vargas fired four rounds. Deputy Rice was armed with a Beretta semi-automatic 9 mm handgun. Based upon the round count of her gun, Rice fired two rounds.

Four expended 9 mm cartridge casings were recovered at the scene. Three of those casings were recovered on the grass in front of the building. The fourth casing was recovered from the grass bordering the sidewalk adjacent to the fence surrounding Woodruff Home's grass.

2. Condition of Harvey's Body at the Scene:

Harvey was declared dead at the scene by paramedics from the Los Angeles County Fire Department. A small amount of foam was visible at both corners of Harvey's mouth. A Taser dart was lodged in the right side of Harvey's neck.

3. Coroner's Findings

On October 28, 2013, Los Angeles Medical Examiner Dr. Kevin Young performed an autopsy on Harvey and concluded that Harvey died as a result of multiple gunshot wounds. He had gunshot wounds to the right side of his chest, to the right side of his back and to the outside of his left hip.

A toxicology analysis detected the presence of THC from marijuana in Harvey's blood.

4. Physical Evidence at the Scene

A Ford Windstar van that was parked across Woodruff Avenue from Woodruff Home had a shattered front passenger window and a shattered driver's side window. It appeared to investigators that a round or rounds from one of the deputies' firearms may have caused that damage. The three tiered fountain against which Rice fell was broken. Investigators at the scene found a Taser, flashlight, baton and handcuffs on the grass.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or defense of others actually and reasonably believed that he was in danger of great bodily injury. *People v. Mercer* (1962) 210 C.A.2d 153, 161, CALJIC No. 5.13. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

CONCLUSION

Before Deputies Vargas and Rice arrived at the scene, they knew that all other units had been deployed to a containment in Bellflower and that they would have no backup. They knew that Harvey had locked [redacted] outside of the building. Upon arrival, [redacted] told the deputies that Harvey had indicated that he wanted to kill someone.

From the moment Harvey first saw the deputies, he demonstrated the desire to seriously injure or kill both of them. Harvey's blows nearly rendered Vargas unconscious, and drove Rice into the fountain, breaking it. The deputies attempted to subdue Harvey and protect themselves using non-lethal force. However, Harvey appeared almost unaffected by the 10 bursts from the Taser. Harvey appeared unaffected by the baton, and continued his assault on Rice. Vargas believed Harvey was trying to take Rice's firearm. Therefore, Vargas' shots were justified as defense of herself and of her partner. Harvey did not respond to the first salvo. Rice believed that Harvey was trying to kill her and her partner. Therefore, Rice's shots were justified in defense of herself and of her partner.

Vargas and Rice based their decision to shoot on what was known to them at the time and their fear that Harvey posed a deadly threat to them. Considering the rapidly evolving, potentially dangerous situation that confronted Vargas and Rice, we conclude that they were justified in using deadly force against William Harvey. We are closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

GRETCHEN FORD
Deputy District Attorney
(213) 974-3888

CONTENTS NOTED R.A. KUSCH 10-29-14 Capt.

c: Deputy Monica Vargas [redacted]
Deputy Myesha Rice [redacted]

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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 30, 2015

FROM: STEPHEN B. JOHNSON, CHIEF
EAST PATROL DIVISION

TO: KEITH E. SWENSSON, CAPTAIN
LAKEWOOD STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2385635 & SH2344276
Incident:	Use of Force & Hit Shooting
Incident Date:	October 27, 2013
Unit:	Lakewood Station & Transit Services South
Suspect:	Harvey, William MB/03-16-56
Involved Employees:	Deputy Monica Vargas [redacted] Deputy Myesha Rice [redacted]
EFRC Date:	September 24, 2015

The Executive Force Review Committee (EFRC) consisting of Chief Stephen B. Johnson and Commanders Ralph J. Webb and Eddie Rivero met and reviewed the above case.

FINDINGS:

The EFRC determined the use of deadly force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC made no recommendations.

SBJ:JRB:jrb